IN RE: PETITION FOR ZONING VARIANCE NE/Corner Hilton Avenue and Valleyview Road (603 Hilton Avenue)

1st Election District 1st Councilmanic District

 DEPUTY ZONING CONMISSIONER . OF BALTIM RE COUNTY

Case No. 90-197-A

Frances R. Forkel, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 11 feet in lieu of the required 15 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 603 Hilton Avenue, consists of 0.70 acres zoned D.R. 2 and is improved with a single family dwelling which has been Petitioners' residence for the past 36 years. The Petitioners are desirous of constructing a 24' x 9' addition to the existing bedroom on the north side of the property to provide for long-term health needs. The proposed addition will consist of additional living space in the event that a health practitioner or nursing assistant is needed, and a modernized bathroom which would enable futitioners to remain independent if their physical condition would deterioriate and interfer with their mobility. Testimony indicated that due to the layout of the existing dwelling and its location on the property, the proposed site for the addition is the most practical; however, the addition will be located within the required side yard setback.

Petitioners testified they have spoken with the adjoining affected property owners who have indicated they have no objections to the requested variance. It is further noted that the adjoining propert owners' dwelling is located approximately 83 feet from the property line abutting the requested variance. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief equested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this _____day of December, 1989 that the Petition for Zoning Variance to permit a side yard setback of 11 feet in lieu of the required 15 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

AMN:bjs

a-Marstenin ANN M. NASTAROWICZ Deput Zoning Commissioner for baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 2, 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive

5. Zeile Orlins

CERTIFICATE OF PUBLICATION

November 2 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on Nov | 19.89

CATOMSVILLE TIMES

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Communicater Frances Russell Forkel 603 Hilton Avenue Catonsville, Maryland 21228 Re: Petition for Zoning Variance CASE NUMBER: 90-197-A NEC Hilton Avenue and Valleyview Road 603 Hilton Avenue Flaction District - 1st Councilmanic

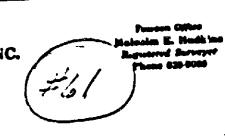
Baltimore County Zoning Commisioner County Office Building 111 West Chesapeuke Avenue Towson, Maryland 21204 PO - 197 Date 11 11.11.17 PULLIC HI GICTRIS FEES 127 PULLIC 1230 PO 31100 STEES / ADVERTIBING 1 X 498.45 10161: 290.45	Please the abo	be advised that \$ 99.43 is we captioned property.	due for advert	ising and posti		<u> </u>
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PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 To allow a side yard setbeck of 11 ft. in lieu of the required 15 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Make an addition, as recommended by birthers. MV 5W46 for nursing care with bathroom. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: FRANCES Russell FORKEL (Type or Print Name) (Type or Print Name) City and State Attorney for Petitioner: Name, address and phone number of legal owner, con-Francis Russell Forkel 603 Halton Ave. 747-7247 Address Catrisville, Ind. Phone No. ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 90-197-A Date of Posting 11-7-49 Variance Petitioner: Frances Russell Forfsel Location of property: NE Corner of Hilton arenu and Valleyview Port (603 Hilton are) Location of Signe Clon front of 603 Hilton avenue

Columbia Office Walter Fork Augustred Surveyor Phone 738-8080

. DEVELOPMENT ENGINEER NC. 200 EAST JOPPA ROAD ROOM 101, SHELL BUILDING TOWSON, MARYLAND 21204



DESCRIPTION FOR VARIANCE-603 HILTON AVENUE

August 8, 1989

Beginning for the same at the intersection of the centerline of Hilton Avenue and Valley View Road thence binding on centerline of Hilton Avenue N 23° 45' E 135 feet; thence S 65° 54' E 225.7 feet; thence S 24° 06' W 120 feet; thence N 65° 54' W 224.9 feet to the place of beginning. Containing 0.70 acre plus or minus.

> Malcolm E. Hudkins Registered Surveyor #5095

Baltimore County Zoning Commissioner Office of Planning & Zoning

Towson, Maryland 21204

J. Robert Haines
Zoning Commissioner

(301) 887-3353

October 16, 1989

NOTICE OF HEARING

Dennia F. Rasmussen County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as

Petition for Zoning Variance CASE NUMBER: 90-197-A

NEC Hilton Avenue and Valleyview Road 603 Hilton Avenue 1st Election District - 1st Councilments Petitioner(s): Frances Russell Forkel

HEARING: TUESDAY, NOVEMBER 28, 1989 at 9:30 acm.

Variance: To allow a side yard setback of 11 feet in libu of the required 15 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any remast for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

L. Robert fries ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

cc: Frances Russell Forkel

Oga Dat

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by sutherity of the Zoning Act and Requisions of Baltimore County will hold a public hearing on the property clenthled herein in Floom 105 of the County Office Building, to-cated at 111 W. Chesapeans Avenue in Townson, Maryland 21204

Petition for Zoning Vanance Case number 9C-197-A NEC Hitton Avenue and Val

feyvis in Road 603 Hillion - venue 1st Election District 1st Councilments

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MOTE:
(If "PHASE If" of the "SNOW EMEPGENCY PLAN" is in effect; Baltimore County on the above hearing date, the Hearing with postponed in the event of enow tetephone 887-3391 to contiminating date.) J ROBERT HAINE Zoning Commissioner
Balamore Cour
CAT/J/11 015 Nov 2. HOTICE OF HEATONS The Zening Communicate of Batterium County, by districtly of the Zening Act and Regulatorie of Batterium County in the language of Batterium County in the language freeze County Chica Batterium in Pacific Section Chica Batterium in County Chica Batterium in the County Chica Batterium in Terment, Maryland 21204 Potton for Zerong Veneral Case number 99-197-A 16EC Hober August & Vi topical Read 605 Hober Audrick 1st Election District 1st Caunchingms Hearty Dair Tunday. No. 28, 1160 at 2,304.5 Variance: To alone a cale your softman of 11 feet on how of Per 17 games 16 hours to the proof that the Patrick the point for the providing to the providing to the providing points rate for the providing the prov province and place of companies and place of the companies of the companie

June Communic de Quarters Confi Call (1994) See 8

BALTINORE COUNTY, NARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: November 2, 1989

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Zoning Petition No. 90-197A Frances Russell Forkel, Item 61

The Petitioner requests a Variance to allow a side yard setback of 11 feet in lieu of the required 15 feet.

In reference to this requist, Staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:ggl ZPVARIOU

Raltimore County Fire Department Towson, Maryland 21204-2586 191-1500

Paul H. Reincke

Gentlemen:

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Frances Russell Forkel

Locatic: NEC Hilton Avenue and Valleyview Road (#603 Hilton Avenue)

Dennis F. Rasmussen
County Executive

Zoning Agenda: August 22, 1989

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: C. bt Coeff Telly 8-23-ff
Planning Group
Special Inspection Division

NOTED & APPROVED: Light Telly State of Prevention Bureau

Fire Prevention Bureau

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

ZONING OFFICE

August 25, 1989

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 50, 56, 57, 59, 60, 61, 62, 63, 64, and 569.

Very truly yours, Michael Allenge. Michael S. Flanigan Traffic Engineer Associate II

ZONED DR. 3.5 OAK RIDGE 5-114 50.4 FRAME DWLG. DWLG. ZONED DR. 3.5 (50' R/W) HILTON PAVING 1 ZONED 3.5 7 0 N 24° 45' 00"E TOFROAD ; ZONED 2 3 DWLG. 5 24° 06 W 125.65 5 24° 6' W 5 23° 51' 30"W 136' - 6" + 5 24° 06' W